

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALTER COLUMBUS SIMMONS,                     )  
   )  
                  Plaintiff,                     )  
   )  
                  v.                                     )                   1:13CV451  
   )  
RICKY BOWMAN, et al.,                     )  
   )  
                  Defendant(s).                     )

**ORDER**

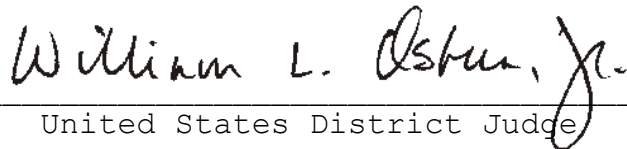
On July 12, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3 and 4.) On September 6, 2013, Plaintiff filed a document stating, in part, that "I would like to appeal this case number - 1:13CV451." (Doc. 5.) Plaintiff does not specifically indicate the nature of the appeal he seeks. However, because a Recommendation has been entered, this court will construe the request to appeal as objections to the Recommendation. See Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file . . . objections.").

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has

made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's Complaint (Doc. 2) be, and is hereby, **DISMISSED** pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted, as well as for seeking monetary relief against a defendant who is immune from such relief. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 13th day of January, 2014.

  
United States District Judge